

acid sequence of SEQ ID NO:1] encoded by a polynucleotide of claim 3, the method comprising the steps of:

- (a) culturing [the host] a cell [of claim 11] under conditions suitable for the expression of the polypeptide, wherein said cell is transformed with a recombinant polynucleotide, and said recombinant polynucleotide comprises a promoter sequence operably linked to a polynucleotide encoding the polypeptide of claim 1; and
- (b) recovering the polypeptide [from the host cell culture] so expressed.

REMARKS

By the Office Action, claim 5 was rejected under the second paragraph of 35 U.S.C. §112 for alleged indefiniteness. Claim 5 has been revised to recite a polynucleotide encoding a polypeptide selected from the group consisting of SEQ ID NO:1. Withdrawal of the rejection is therefore believed to be in order. In addition, claims 3, 7 and 12 have been revised to round out the scope of protection of Applicants' invention.

CONCLUSION

For at least the above reasons, it is submitted that the present application is fully in condition for allowance, and withdrawal of the outstanding rejections is requested. Early notice to that effect is earnestly solicited.

If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, the Examiner is invited to contact the undersigned attorney.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 09-0108. This form is enclosed in duplicate.

Respectfully submitted,

INCYTE GENOMICS, INC.



Richard C. Ekstrom

Reg. No. 37,027

Direct Dial Telephone: (650) 843-7352

Date: 16 October 2000

3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555
Fax: (650) 849-8886